

106TH CONGRESS  
2D SESSION

# S. 2409

To provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 12, 2000

Mr. HOLLINGS (for himself and Mr. SARBANES) (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**  
4 **UNITED STATES CODE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Pipeline Safety and Community Protection Act of 2000”.

7 (b) AMENDMENT OF TITLE 49, UNITED STATES  
8 CODE.—Except as otherwise expressly provided, whenever  
9 in this Act an amendment or repeal is expressed in terms  
10 of an amendment to, or a repeal of, a section or other

1 provision, the reference shall be considered to be made to  
 2 a section or other provision of title 49, United States  
 3 Code.

4 (c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.  
 Sec. 2. Additional pipeline protections.  
 Sec. 3. Community right to know and emergency preparedness.  
 Sec. 4. Enforcement.  
 Sec. 5. Underground damage prevention.  
 Sec. 6. Enhanced ability of states to oversee operator activities.  
 Sec. 7. Improved data and data availability.  
 Sec. 8. Enhanced investigation authorities.  
 Sec. 9. International authority.  
 Sec. 10. Risk management demonstration program.  
 Sec. 11. Support for innovative technology development.  
 Sec. 12. Authorization of appropriations.

5 **SEC. 2. ADDITIONAL PIPELINE PROTECTIONS.**

6 (a) Section 60109 is amended by adding at the end  
 7 the following:

8 “(c) OPERATOR’S RISK ANALYSIS AND PROGRAM  
 9 FOR INTEGRITY MANAGEMENT.—

10 (1) GENERAL REQUIREMENT.—Within 1 year  
 11 after the Secretary, in consultation with the Admin-  
 12 istrator of the Environmental Protection Agency, es-  
 13 tablishes criteria under subsection (a)(1) of this sec-  
 14 tion, an operator of a natural gas transmission pipe-  
 15 line facility or hazardous liquid pipeline facility shall  
 16 evaluate the risks to the operator’s pipeline facility  
 17 in the areas identified by these criteria and shall  
 18 adopt and implement a program for integrity man-  
 19 agement that reduces the risks in those areas.

1           “(2) STANDARDS FOR PROGRAM.—An operator  
2       shall include at least the following in the program  
3       for integrity management:

4           “(A) internal inspection or another equally  
5       protective method, such as pressure testing,  
6       that represents use of the best achievable tech-  
7       nology and that directly assesses the integrity  
8       of the pipeline on a periodic basis that is com-  
9       mensurate to the risk to people and the envi-  
10      ronment of the pipeline being inspected;

11          “(B) clearly defined criteria for evaluating  
12      and acting on the results of the inspection or  
13      testing done under subparagraph (A);

14          “(C) an analysis on a continuing basis that  
15      integrates all available information about the  
16      integrity of the pipeline or the consequences of  
17      a release;

18          “(D) prompt actions to address integrity  
19      issues raised by the analysis required by sub-  
20      paragraph (C);

21          “(E) measures that prevent and mitigate  
22      the consequences of a release and, in the case  
23      of a release of a hazardous substance or dis-  
24      charge of oil, are consistent with the National  
25      Contingency Plan, including leak detection, in-

1 integrity evaluation, emergency flow restricting  
2 devices, and other prevention, detection, and  
3 mitigation measures that are appropriate for  
4 the protection of human health and the environ-  
5 ment; and

6 “(F) consideration of the consequences of  
7 hazardous liquid releases.

8 “(3) CRITERIA FOR PROGRAM STANDARDS.—

9 “(A) In deciding how frequently the in-  
10 spection or testing under paragraph (2)(A)  
11 must be conducted, an operator shall take into  
12 account the potential for the development of  
13 new defects, the operational characteristics of  
14 the pipeline, including age, operating pressure,  
15 block valve location, and spill history, the loca-  
16 tion of areas identified under subsection (a)(1),  
17 any known deficiencies of the method of pipe-  
18 line construction or installation, and the pos-  
19 sible flaw growth of new and existing defects.  
20 In considering the potential for development of  
21 new defects from outside force damage, an op-  
22 erator shall consider information available  
23 about current or planned excavation activities  
24 and the effectiveness of damage prevention pro-  
25 grams in the area.

1           “(B) An operator shall adopt standards  
2           under this section that provide an equivalent  
3           minimum level of protection as that provided by  
4           the applicable level established by national con-  
5           sensus standards organizations.

6           “(C) An operator shall implement pressure  
7           testing and other integrity management tech-  
8           niques in a manner that does not increase envi-  
9           ronmental or safety risks, such as by use of pe-  
10          troleum for pressure testing.

11          “(4) AUTHORITY FOR ADDITIONAL STAND-  
12          ARDS.—The Secretary shall prescribe additional  
13          standards to direct an operator’s conduct of a risk  
14          analysis or adoption or implementation of a program  
15          for integrity management. These standards shall ad-  
16          dress the type or frequency of inspection or testing  
17          required, the manner in which it is conducted, the  
18          criteria used in analyzing results, the types of infor-  
19          mation sources that must be integrated as well as  
20          the manner of integration, the nature and timing of  
21          actions selected to address integrity issues, and such  
22          other factors as appropriate to assure that the integ-  
23          rity of the pipeline facility is addressed and that ap-  
24          propriate mitigative measures are adopted to protect  
25          areas identified under subsection (a)(1). The Sec-

retary may also prescribe standards that require an owner or operator of a natural gas transmission or hazardous liquid pipeline facility to include in the program of integrity management changes to valves or the establishment or modification of systems that monitor pressure and detect leaks based on the risk analysis the operator conducts, and the use of emergency flow restricting devices.

“(5) MONITORING IMPLEMENTATION.—A risk analysis and program for integrity management required under this section shall be reviewed by the Secretary of Transportation as an element of Departmental inspections, and the analysis and program, as well as the records demonstrating implementation, shall be made available to the Secretary on request under section 60117.”.

(b) Section 60102 is amended—

(1) by striking “facilities.” in subsection (e)(2) and inserting “facilities, not including tanks incidental to pipeline transportation.”;

(2) by striking paragraph (2) of subsection (f);

(3) by striking “(1)” in subsection (f);

(4) by redesignating subparagraphs (A) and (B) of subsection (f)(1) (as such subsection was in

1 effect before its amendment by paragraph (3) of this  
2 subsection) as paragraphs (1) and (2), respectively;  
3 (5) by striking paragraph (2) of subsection (j)  
4 and redesignating paragraph (3) as paragraph (2);  
5 and

6 (6) by adding at the end thereof the following:

7 “(m) INTEGRITY MANAGEMENT REGULATIONS.—

8 “(1) Not later than December 31, 2000, the  
9 Secretary shall issue final regulations authorized by  
10 this section and sections 60104, 60108, and 60109  
11 for the implementation of an integrity management  
12 program by operators of more than 500 miles of  
13 hazardous liquid pipelines.

14 “(2) Not later than 2 years after the date of  
15 enactment of the Pipeline Safety and Community  
16 Protection Act of 2000, the Secretary shall issue  
17 final regulations that extend the requirements im-  
18 posed by the regulations described in paragraph (1)  
19 to every operator of a hazardous liquid pipeline or  
20 natural gas transmission pipeline subject to the ju-  
21 risdiction of this chapter. In the event that the Sec-  
22 retary fails to fulfill this requirement within two  
23 years, all the requirements imposed by the regula-  
24 tions described in paragraph (1) shall, on the date  
25 that is two years after the enactment of this sub-

1 section, apply to every operator of a hazardous liq-  
2 uid pipeline or natural gas transmission pipeline  
3 subject to the jurisdiction of this chapter.

4 “(3) Not later than 3 years after the date of  
5 enactment of the Pipeline Safety and Community  
6 Protection Act of 2000—

7 “(A) the Secretary shall complete an as-  
8 sessment and evaluation of the effects on safety  
9 and the environment of extending all of the re-  
10 quirements mandated by the regulations de-  
11 scribed in paragraph (1) to additional areas;

12 “(B) the Secretary shall promptly make a  
13 Secretarial determination as to the effect on  
14 safety and the environment of extending the re-  
15 quirements imposed by the regulations de-  
16 scribed in paragraph (1) to additional areas  
17 using the best achievable technology; and

18 “(C) based on the determination described  
19 in subparagraph (B), the Secretary shall  
20 promptly promulgate regulations that would  
21 provide measurable improvements to safety or  
22 the environment in these areas by extending  
23 regulatory requirements at least as protective to  
24 these areas.”.

25 (f) Section 60118(a) is amended—

1 (1) by striking “and” at the end of paragraph  
2 (2);

3 (2) striking “title.” in paragraph (3) and in-  
4 serting “title; and”; and

5 (3) adding at the end the following:

6 “(4) conduct a risk analysis and prepare and carry  
7 out a program for integrity management for pipeline facili-  
8 ties in certain areas as required under section 60109(c).”.

9 (g) Section 60104(b) is amended by striking “adopt-  
10 ed.” and inserting “adopted, unless the Secretary deter-  
11 mines that application of the standard is necessary for  
12 safety or environmental protection.”.

13 **SEC. 3. COMMUNITY RIGHT TO KNOW AND EMERGENCY**  
14 **PREPAREDNESS.**

15 (a) Section 60116 is amended to read as follows:

16 **“§ 60116. Community right to know**

17 **“(a) PUBLIC EDUCATION PROGRAMS.—**

18 **“(1) Each owner or operator of a gas or haz-**  
19 **ardous liquid pipeline facility shall carry out a con-**  
20 **tinuing program to educate the public on the use of**  
21 **a one-call notification system prior to excavation and**  
22 **other damage prevention activities, the possible haz-**  
23 **ards associated with unintended releases from the**  
24 **pipeline facility, the physical indications that such a**  
25 **release may have occurred, what steps should be**

1 taken for public safety in the event of a pipeline re-  
2 lease, and how to report such an event.

3 “(2) Within 1 year after the date of enactment  
4 of the Pipeline Safety and Community Protection  
5 Act of 2000, each owner or operator of a gas or haz-  
6 ardous liquid pipeline facility shall review its existing  
7 public education program for effectiveness and mod-  
8 ify the program as necessary. The completed plan  
9 shall be reviewed by the Secretary of Transportation  
10 as an element of Departmental inspections.

11 “(3) The Secretary may issue standards pre-  
12 scribing the details of a public education program  
13 and providing for periodic review of the effectiveness  
14 and modification as needed. The Secretary may also  
15 develop material for use in the program.

16 “(b) LIAISON WITH STATE AND LOCAL EMERGENCY  
17 RESPONSE ENTITIES.—Within 1 year after the date of en-  
18 actment of the Pipeline Safety and Community Protection  
19 Act of 2000, an operator of a gas transmission or haz-  
20 ardous liquid pipeline facility shall initiate and maintain  
21 liaison with the State emergency response commissions,  
22 and local emergency planning committees in the areas of  
23 pipeline right-of-way, established under section 301 of the  
24 Emergency Planning and Community Right-To-Know Act  
25 of 1986 (42 U.S.C. 11001) in each State in which it oper-

1 ates. An operator shall, when requested, make available  
2 to the State emergency response commissions and local  
3 emergency planning committees the information described  
4 in section 60102(d), any program for integrity manage-  
5 ment developed under section 60109(c), and information  
6 about implementation of that program and about the risks  
7 the program is designed to address. In a community with-  
8 out a local emergency planning committee, the operator  
9 shall maintain liaison with the local fire, police, and other  
10 emergency response agencies.

11 “(c) PUBLIC AVAILABILITY OF REPORTS.—The Sec-  
12 retary shall make available to the public a safety-related  
13 condition report filed by an operator under section  
14 60102(h) and a report of a pipeline incident filed by an  
15 operator under this chapter.

16 “(d) ACCESS TO INTEGRITY MANAGEMENT PROGRAM  
17 INFORMATION.—The Secretary shall prescribe require-  
18 ments for public access to integrity management program  
19 information prepared under this chapter.

20 “(e) AVAILABILITY OF MAPS.—

21 “(1) The owner or operator of each interstate  
22 gas pipeline facility shall provide, at least annually,  
23 to the governing body of each municipality in which  
24 the interstate gas pipeline facility is located, a map  
25 identifying the location of the facility.

1           “(2) Not later than 1 year after the date of en-  
2           actment of the Pipeline Safety and Community Pro-  
3           tection Act of 2000, and annually thereafter, the  
4           owner or operator of each hazardous liquid pipeline  
5           facility shall provide to the governing body of each  
6           municipality in which the pipeline facility is located,  
7           a map identifying the location of such facility.

8           “(f) EFFECTIVENESS OF PUBLIC SAFETY AND PUB-  
9           LIC EDUCATION PROGRAMS.—

10           “(1) The Secretary shall survey and assess the  
11           public education programs under this section and  
12           the public safety programs under section 60102(c)  
13           and determine their effectiveness and applicability as  
14           components of a model program. The survey shall  
15           include the methods by which operators notify resi-  
16           dents of the location of the facility and its right of  
17           way, public information regarding existing One-Call  
18           programs, and appropriate procedures to be followed  
19           by residents of affected municipalities in the event of  
20           accidents involving interstate gas pipeline facilities.

21           “(2) In issuing standards for public safety pro-  
22           grams under section 60102(a) or for public edu-  
23           cation programs under this section, the Secretary  
24           shall consider the results of the survey and assess-  
25           ment done under paragraph (1).

1           “(3) The Secretary may provide technical as-  
 2           sistance to the pipeline industry on developing public  
 3           safety and public education program content and  
 4           best practices for program delivery, and on evalu-  
 5           ating the effectiveness of the programs. The Sec-  
 6           retary may also provide technical assistance to State  
 7           and local officials in applying practices developed in  
 8           these programs to their activities.”.

9           (d) Section 60102(c) is amended by striking para-  
 10          graph (4).

11          (e) Section 60102(h)(2) is amended by striking “au-  
 12          thorities.” and inserting “officials, including the local  
 13          emergency responders, and appropriate on-scene coordina-  
 14          tors for the area contingency plan or sub-area contingency  
 15          plan.”.

16          (f) Section 60120(c) is amended by adding at the end  
 17          the following: “Nothing in section 60116 shall be deemed  
 18          to impose a new duty on State or local emergency respond-  
 19          ers or local emergency planning committees.”.

20          (g) The analysis for chapter 601 is amended by strik-  
 21          ing the item relating to section 60116 and inserting the  
 22          following:

“60116. Community right to know”.

#### 23 **SEC. 4. ENFORCEMENT.**

24          (a) GENERAL AUTHORITY.—Section 60112 is  
 25          amended—

1 (1) by striking all after “if the Secretary” in  
 2 subsection (a) and inserting “decides that—

3 “(1) operation of the facility is or would be haz-  
 4 ardous to life, property, or the environment; or

5 “(2) the facility is or would be constructed or  
 6 operated, or a component of the facility is or would  
 7 be constructed or operated, with equipment, mate-  
 8 rial, or a technique that the Secretary decides is  
 9 hazardous to life, property, or the environment.”;

10 (2) by striking “is hazardous” in subsection (d)  
 11 and inserting “is or would be hazardous”; and

12 (3) by adding at the end the following:

13 “(f) OPTIONAL WAIVER OF NOTICE AND HEARING  
 14 REQUIREMENTS.—If the Secretary decides that a facility  
 15 may present a hazard under subsection (a)(1) or (2), the  
 16 Secretary may waive the notice and hearing requirements  
 17 in subsection (a) and request the Attorney General to  
 18 bring suit on behalf of the United States in an appropriate  
 19 district court to obtain an order to restrain the operator  
 20 of the facility from such operation, or to take such other  
 21 action as may be necessary, or both.”.

22 (b) CIVIL PENALTIES.—Section 60122 is amended—

23 (1) by striking “\$25,000” in subsection (a)(1)  
 24 and “\$500,000” and substituting “\$100,000” and  
 25 “\$1,000,000”, respectively; and

1           (2) by adding at the end of subsection (a)(1)  
 2           “‘The maximum civil penalty for a related series of  
 3           violations does not apply to a judicial enforcement  
 4           action under section 60120 or 60121.’”; and

5           (3) by striking subsection (b) and inserting the  
 6           following:

7           “(b) PENALTY CONSIDERATIONS.—In determining  
 8           the amount of a civil penalty under this section—

9           “(1) the Secretary shall consider—

10                   “(A) the nature, circumstances, and grav-  
 11                   ity of the violation, including adverse impact on  
 12                   the environment;

13                   “(B) with respect to the violator, the de-  
 14                   gree of culpability, any history of prior viola-  
 15                   tions, the ability to pay, any effect on ability to  
 16                   continue doing business; and

17                   “(C) good faith in attempting to comply;  
 18                   and

19           “(2) the Secretary may consider—

20                   “(A) the economic benefit gained from the  
 21                   violation without any discount because of subse-  
 22                   quent damages; and

23                   “(B) other matters that justice requires.”.

24           (c) EXCAVATOR DAMAGE.—Section 60123(d) is  
 25           amended—

- 1 (1) by striking “knowingly and willfully”;
- 2 (2) by inserting “knowingly and willfully” be-
- 3 fore “engages” in paragraph (1); and
- 4 (3) striking paragraph (2)(B) and inserting the
- 5 following:

6 “(B) a pipeline facility, is aware of dam-

7 age, and does not report the damage promptly

8 to the operator of the pipeline facility and to

9 other appropriate authorities; or”.

10 (d) CIVIL ACTIONS.—Section 60120(a)(1) is amend-

11 ed to read as follows:

12 “(1) On the request of the Secretary of Trans-

13 portation, the Attorney General may bring a civil ac-

14 tion in an appropriate district court of the United

15 States to enforce this chapter, including section

16 60112 of this chapter, or a regulation prescribed or

17 order issued under this chapter. The court may

18 award appropriate relief, including a temporary or

19 permanent injunction, punitive damages, and assess-

20 ment of civil penalties considering the same factors

21 as prescribed for the Secretary in an administrative

22 case under section 60122.”.

23 (e) CITIZEN SUITS.—Section 60121(a)(1) is amended

24 by striking the first sentence and “However, the” and in-

25 serting: “A person may bring a civil action in an appro-

1 priate district court of the United States against a person  
 2 owning or operating a pipeline facility to enforce compli-  
 3 ance with this chapter or a standard prescribed or an  
 4 order issued under this chapter. The district court may  
 5 enjoin noncompliance and assess civil penalties considering  
 6 the same factors as prescribed for the Secretary in an ad-  
 7 ministrative case under section 60122. The”.

8 **SEC. 5. UNDERGROUND DAMAGE PREVENTION.**

9 (a) Section 60114 is amended by inserting after sub-  
 10 section (b) the following:

11 “(c) CONFORMITY WITH CHAPTER 61.—Regulations  
 12 prescribed by the Secretary under subsection (a) do not  
 13 apply to a State that has a One-Call notification program  
 14 accepted by the Secretary as meeting the minimum stand-  
 15 ards of section 6103 of this title or approved by the Sec-  
 16 retary as an alternative program under section 6104(c)  
 17 of this title.”.

18 (b) Section 60102(c) is amended—

19 (1) by inserting “or hazardous liquid pipeline  
 20 facility” before “participate” in paragraph (1); and

21 (2) striking paragraph (3).

22 (c) Section 60104 is amended by adding at the end  
 23 the following:

24 “(f) STATE ONE-CALL NOTIFICATION LAWS.—Not-  
 25 withstanding subsection (c) of this section, a State may

1 enforce a requirement of a One-Call notification law that  
 2 satisfies sections 6103 or 6104(c) of this title, or section  
 3 60114(a) of this chapter, against an operator of an inter-  
 4 state natural gas pipeline facility or an interstate haz-  
 5 ardous liquid pipeline facility provided that the require-  
 6 ment sought to be enforced is compatible with the min-  
 7 imum standards prescribed under this chapter.”.

8 (d) Section 60123 is amended by adding at the end  
 9 thereof the following:

10 “(e) MISDEMEANOR FOR NOT USING ONE-CALL.—  
 11 A person shall be fined under title 18, imprisoned for not  
 12 more than 1 year, or both, if the person knowingly engages  
 13 in an excavation activity without first using an available  
 14 one-call notification system to establish the location of un-  
 15 derground facilities in the excavation area.”.

16 **SEC. 6. ENHANCED ABILITY OF STATES TO OVERSEE OPER-**  
 17 **ATOR ACTIVITIES.**

18 (a) Section 60106(a) is amended—

19 (1) by inserting “(1)” before “If”;

20 (2) redesignating paragraphs (1) and (2) as  
 21 subparagraphs (A) and (B); and

22 (3) adding at the end thereof the following:

23 “(2) If the Secretary accepts a certification under  
 24 section 60105 of this title, the Secretary may make an  
 25 agreement with a State authority authorizing it to partici-

1 pate in the oversight of interstate pipeline transportation.  
 2 An agreement shall include a plan for the State authority  
 3 to participate in special investigations involving new con-  
 4 struction or incidents.

5 “(3) An agreement under paragraph (2) may also in-  
 6 clude a program allowing for participation by the State  
 7 authority in other activities overseeing interstate pipeline  
 8 transportation that supplement the Secretary’s program  
 9 and address issues of local concern, provided that the Sec-  
 10 retary determines that—

11 “(A) there are no significant gaps in the regu-  
 12 latory jurisdiction of the State authority over intra-  
 13 state pipeline transportation;

14 “(B) implementation of the agreement will not  
 15 adversely affect the oversight of intrastate pipeline  
 16 transportation by the State authority;

17 “(C) the program allowing participation of the  
 18 State authority is consistent with the Secretary’s  
 19 program for inspection; and

20 “(D) the State promotes preparedness and pre-  
 21 vention activities that enable communities to live  
 22 safely with pipelines.”.

23 (b) Section 60106(d) is amended by inserting after  
 24 the first sentence the following: “In addition, the Sec-  
 25 retary may end an agreement for the oversight of inter-

1 state pipeline transportation when the Secretary finds that  
 2 there are significant gaps in the regulatory authority of  
 3 the State authority over intrastate pipeline transportation,  
 4 or that continued participation by the State authority in  
 5 the oversight of interstate pipeline transportation is not  
 6 consistent with the Secretary's program or would ad-  
 7 versely affect oversight of intrastate pipeline transpor-  
 8 tation, or that the State is not promoting activities that  
 9 enable communities to live safely with pipelines.”.

10 (c) STATE GRANTS.—Section 60107 is amended by  
 11 adding at the end the following:

12 “(e) SPECIAL INVESTIGATION OF INTERSTATE PIPE-  
 13 LINE FACILITIES.—

14 “(1) Notwithstanding subsection (a) of this sec-  
 15 tion, the Secretary may pay up to 100 percent of the  
 16 cost of the personnel, equipment, and activities of a  
 17 State authority acting as an agent of the Secretary  
 18 in conducting a special investigation involved in  
 19 monitoring new construction or investigating an inci-  
 20 dent, on an interstate gas pipeline facility or an  
 21 interstate hazardous liquid pipeline facility.

22 “(2) This subsection shall become effective on  
 23 October 1, 2001.”.

1 **SEC. 7. IMPROVED DATA AND DATA AVAILABILITY.**

2 (a) REPORT OF RELEASES EXCEEDING 5 GAL-  
3 LONS.—Section 60117(b) is amended—

4 (1) by inserting “(1)” before “To”;

5 (2) redesignating paragraphs (1) and (2) as  
6 subparagraphs (A) and (B);

7 (3) inserting before the last sentence the fol-  
8 lowing:

9 “(2) A person owning or operating a hazardous liquid  
10 pipeline facility shall report to the Secretary each release  
11 to the environment greater than five gallons of the haz-  
12 ardous liquid or carbon dioxide transported. This section  
13 applies to releases from pipeline facilities regulated under  
14 this chapter and from rural gathering lines not regulated  
15 under this chapter. A report must include the location of  
16 the release, fatalities and personal injuries, type of prod-  
17 uct, amount of product release, causes of the release, ex-  
18 tent of damage to property and the environment, and the  
19 response undertaken to clean up the release.

20 “(3) During the course of an incident investigation,  
21 a person owning or operating a pipeline facility shall make  
22 records, reports, and information required under sub-  
23 section (a) of this section or other reasonably described  
24 records, reports, and information relevant to the incident  
25 investigation available to the Secretary within the time  
26 limits prescribed in a written request.”; and

1 (4) inserting “(4)” before “The Secretary”.

2 (b) PENALTY AUTHORITIES.—

3 (1) Section 60122(a) is amended by striking  
4 “60114(c)” and substituting “60117(b)(3)”.

5 (2) Section 60123(a) is amended by striking  
6 “60114(c)” and substituting “60117(b)(3)”.

7 (c) Section 60117 is amended by adding at the end  
8 the following:

9 “(l) NATIONAL DEPOSITORY.—The Secretary shall  
10 establish a national depository of data on events and con-  
11 ditions, including spill histories and corrective actions for  
12 specific incidents, that can be used to evaluate the risk  
13 of, and to prevent, pipeline failures and releases. The Sec-  
14 retary may establish the depository through cooperative  
15 arrangements, and the Secretary shall make such informa-  
16 tion available for use by State and local planning and  
17 emergency response authorities and the public.”.

18 **SEC. 8. ENHANCED INVESTIGATION AUTHORITIES.**

19 (a) CLARIFICATION OF AUTHORITY.—Section  
20 60117(c) is amended by striking “decide whether a person  
21 is complying with this chapter and standards prescribed  
22 or orders issued under this chapter” and inserting “carry  
23 out the duties and responsibilities of this chapter. The  
24 Secretary may question an individual about matters rel-  
25 evant to an investigation, including such matters as the

1 design, construction, operation, or maintenance of the sys-  
 2 tem, the individual’s qualifications, or the operator’s re-  
 3 sponse to an emergency”.

4 (b) EXPENSES OF INVESTIGATION.—Section 60117,  
 5 as amended by section 7, is further amended by adding  
 6 at the end the following:

7 “(m) EXTRAORDINARY EXPENSES OF INCIDENT IN-  
 8 VESTIGATION.—The Secretary may, by regulation, estab-  
 9 lish procedures to recover the Secretary’s costs incurred  
 10 because of investigation of incidents from the operators  
 11 of the pipeline facilities involved in the incidents. These  
 12 costs may include travel costs and contract support for  
 13 the investigation and monitoring of the corrective meas-  
 14 ures. All sums collected shall be deposited into the Pipeline  
 15 Safety Fund and shall be available, to the extent and in  
 16 the amount provided in advance in appropriations acts, to  
 17 reimburse the Secretary for the costs of investigation and  
 18 monitoring of the incidents. Such amounts are authorized  
 19 to be appropriated to be available until expended.”.

20 **SEC. 9. INTERNATIONAL AUTHORITY.**

21 Section 60117, as amended by section 8, is further  
 22 amended by adding at the end the following subsection:

23 “(n) GLOBAL SHARING OF ENVIRONMENTAL AND  
 24 SAFETY INFORMATION.—Subject to guidance and direc-  
 25 tion of the Secretary of State, the Secretary of Transpor-

1 tation is directed to support international efforts to share  
 2 information about the risks to the public and the environ-  
 3 ment from pipelines and the means of protecting against  
 4 those risks. The extent of support should include a consid-  
 5 eration of the benefits to the public from an increased un-  
 6 derstanding by the Secretary of technical issues about  
 7 pipeline safety and environmental protection and from  
 8 possible improvement in environmental protection outside  
 9 the United States.”.

10 **SEC. 10. RISK MANAGEMENT DEMONSTRATION PROGRAM.**

11 Section 60126(a) is amended by adding at the end  
 12 the following paragraph:

13 “(3) CONTINUATION OF INDIVIDUAL  
 14 PROJECT.—Without regard to any recommendations  
 15 made with respect to the risk management dem-  
 16 onstration program under subsection (e) of this sec-  
 17 tion, the Secretary may, by order, allow the continu-  
 18 ation of an individual project begun under this pro-  
 19 gram beyond the termination of the program, pro-  
 20 vided the Secretary finds that—

21 “(A) the pipeline operator has a clear and  
 22 established record of compliance with respect to  
 23 safety and environmental protection;

1           “(B) the project is achieving superior lev-  
 2           els of public safety and environmental protec-  
 3           tion; and

4           “(C) the continuation would not extend the  
 5           project more than four years from the date of  
 6           the initial approval of the project.”.

7   **SEC. 11. SUPPORT FOR INNOVATIVE TECHNOLOGY DEVEL-**  
 8           **OPMENT.**

9           Section 60117, as amended by section 9, is further  
 10          amended by adding at the end the following subsection:

11          “(o) SUPPORT FOR INNOVATIVE TECHNOLOGY DE-  
 12          VELOPMENT.—

13               “(1) To the extent and in the amount provided  
 14          in advance in appropriations acts, the Secretary of  
 15          Transportation shall participate in the development  
 16          of alternative technologies—

17               “(A) in fiscal year 2001 and thereafter,  
 18          to—

19                       “(i) identify outside force damage  
 20                       using internal inspection devices; and

21                       “(ii) monitor outside-force damage to  
 22                       pipelines; and

23               “(B) In fiscal year 2002 and thereafter, to  
 24          inspect pipelines that cannot accommodate in-  
 25          ternal inspection devices available on the date

1 of the enactment of the Pipeline Safety and  
 2 Community Protection Act of 2000.

3 “(2) The Secretary may support such techno-  
 4 logical development through cooperative agreements  
 5 with trade associations, academic institutions, or  
 6 other qualified organizations.”.

7 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) Section 60125 is amended—

9 (1) by striking subsections (a), (b), (c)(1), and  
 10 (d) and inserting the following:

11 “(a) GAS AND HAZARDOUS LIQUID.—To carry out  
 12 this chapter and other pipeline-related damage prevention  
 13 activities of this title (except for section 60107), there are  
 14 authorized to be appropriated to the Department of  
 15 Transportation—

16 “(1) \$30,118,000 for fiscal year 2001; and

17 “(2) such sums as may be necessary for fiscal  
 18 years 2002, 2003, and 2004.

19 “(b) STATE GRANTS.—

20 “(1) Not more than the following amounts may  
 21 be appropriated to the Secretary to carry out section  
 22 60107:

23 “(A) \$17,019,000 for fiscal year 2001.

24 “(B) Such sums as may be necessary for  
 25 fiscal years 2002, 2003, and 2004.”; and

- 1 (2) redesignating subsections (e) and (f) as sub-
- 2 sections (c) and (d), respectively.

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